

IV. Remarks

Responsive to the outstanding Examiner's Action, the applicant has carefully studied the Examiner's comments. Favorable reconsideration of this application is respectfully requested in light of the following detailed discussion.

Claims 1 and 18-36 are pending in the application. Claims 1 and 18-36 are rejected. Claims 2-17 are cancelled. Claims 1, 18-19, 22, and 27-34 and 35-36 have been amended. Claims 37-39 are new. A listing of the pending claims, along with a status indicator of each claim, appears above.

The drawings were objected to because reference character "16" was used to designate two features. The specification was updated to replace "projection" with "bulge".

The drawings were also objected to and new formal drawings were required based on alphanumeric numbering, capital letters and lead line issues. The Examiner's reference to view c in Fig. 2 regarding a lead line for base carrier 21 appears to be a typo as there is no view c in Fig. 2. A set of replacement drawings is being filed herewith to correct these issues. In addition, a new Fig. 10 has been added depicting the single base carrier embodiment described in the specification. No new matter has been added.

A substitute specification in proper idiomatic English was required. A substitute specification with the changes tracked is submitted herewith. The portions of the specification specifically commented on by the Examiner on page 3 of the Office Action have been corrected. No new matter has been added.

Claims 27-30 and 32-34 were rejected under 35 USC 112, first paragraph. The

Examiner asserted that the following claims recite limitations not found in the original specification:

- a. Claim 27, "...glass, plastic, and metal."
- b. Claim 28, "...Duroplast, Thermoplast, and an elastomer."
- c. Claim 29, "...Duroplast, Thermoplast, and an elastomer has a $T_g \geq 80^\circ\text{C}$."
- d. Claim 32, "...co-extruding the base carrier..."
- e. Claim 33, "...co-extruding..."
- f. Claim 34, "...a glass material, a plastic material, a metal material, a Duroplast material, a Thermoplast material, an elastomer material, and a polyamide material."

Applicant respectfully draws the attention of the Examiner to the claim set originally filed in Applicant's 35 USC 371 application filed on September 6, 2006. The limitations of claim 27 above are present in original claim 11, the limitations of claim 28 above are present in original claim 12, the limitations of claim 29 above are present in original claim 12, the limitations of claim 32 above are present in original claim 15, the limitations of claim 33 above are present in original claim 15 and the limitations of claim 34 above are present in original claims 11, 12, and 13. The specification comprises the original claims and thus claims 27-29 and 32-34 have support. The current specification has been amended to include the matter from the original 371 application. Note though that claim 33 has been amended and it no longer uses the term "co-extruding."

Claims 27-30 were rejected under 35 USC 112, second paragraph, as the Examiner claimed the limitations above were not associated with a structural feature of

the fluid separation device. Claims 27-30 have been amended to overcome this rejection.

Claims 28 and 29 were rejected as containing trademark/trade names Duroplast and Thermoplast. The term Duroplast has been removed from claims 28 and 29 and replaced with thermoset. The term Thermoplast has also been removed and replaced with thermoplastic.

Claims 31, 35 and 36 were rejected under 35 USC 112, second paragraph. Claims 35 and 36 have been cancelled. Claim 31 has been amended to overcome this rejection.

Claim 1 was rejected under 35 USC 103(a) as being unpatentable over Neuschwander (US Patent No. 6648939) and/or Sun (US Patent No. 4158449).

Claim 1 now requires at least two plate-like base carriers being arranged in series. The claim also requires at least one fluid separator element in each base carrier. The Sun reference only has a single alleged carrier and thus fails to teach all of the elements of claim 1 as now amended.

Claim 1 also requires that the fluid separator element have a worm-like segment having screw thread surfaces. The Examiner alleged in the Office Action that the Neuschwander reference had thread surfaces. In a phone conference on April 1, 2010 between the Examiner, SPE Duane Smith and the undersigned, the undersigned requested clarification on where these structures were in the '939 reference as the Office Action was silent on their location except for a reference to Figs. 6-8. The Examiner indicated that the two rows of separation lamellae 13 taught thread surfaces.

Applicant respectfully disagrees that the lamellae, either taken individually, or

when taken as a single row, or when taken as two rows combined, teach a thread surface. Nevertheless, the worm like segment has been clarified to have screw thread surfaces.

In view of the amendments to claim 1, claim 1 is now patentable over the cited art.

Independent claim 31 was rejected under 35 USC 103(a) over Neuschwander and/or Sun. Claim 31 now requires the step of providing at least two base carriers, where at least one fluid separator element is integrally formed in each base carrier. Thus, the claim now defines over the Sun reference in that Sun only has a single alleged carrier.

Claim 31 also now requires the step of forming worm-like segments with screw thread surfaces. As discussed above, Neuschwander fails to teach screw thread surfaces on the alleged worm like segments.

In view of the amendments to claim 31, claim 31 is now patentable over the cited art.

Independent claims 37 and 38 are new. No new matter has been introduced with these claims.

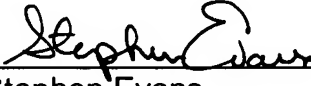
In light of the above discussion and the amendments to claims 1 and 31, amended claims 1 and 31 of the present invention are patentable. Furthermore, claims 18-30 and 32-36 each depend on claims 1 or 31, either directly or indirectly, and contain all of the limitations thereof. Therefore, because claims 1 and 31 are patentable and claims 18-30 and 32-36 each depend on claims 1 and 31, claims 18-30 and 32-36 are patentable over the references.

The fee for a request for a one month extension of time is being filed concurrently herewith. No additional fees are believed due with this response. In the event that additional fees are due, please charge them to Deposit Account No. 13-1816. Kindly credit any overpayment to the same account. In either case, please associate D030001-17833001 with any credit or debit of the Deposit Account.

In light of the remarks above, it is believed the claims are now in condition for allowance and an early Notice of Allowance is respectfully requested.

Should the Examiner wish to modify any of the language of the claims, applicant's attorney suggests a telephone interview in order to expedite the prosecution of the application.

Respectfully submitted,



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